

FILED

AUG 29 2011

PATRICK E. DUFFY, CLERK

By DEPUTY CLERK, MISSOULA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

HELENA DIVISION

CURTIS SULLIVAN,)	CV 11-34-H-DWM-RKS
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
THE STATE OF MONTANA, et al.,)	
)	
Defendants.)	
_____)	

Plaintiff Curtis Sullivan submitted a document to the Court on July 1, 2011. The document was construed as a "Complaint" and lodged on July 7, 2011, along with the filing of a Motion to Proceed in Forma Pauperis. United States Magistrate Judge Keith Strong entered Findings and Recommendation on July 28, 2011, and recommended denying Mr. Sullivan's Motion to Proceed in Forma Pauperis, terminating all pending motions, and closing the case. Plaintiff did not timely object to the Findings and Recommendation, and so has waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court will review the

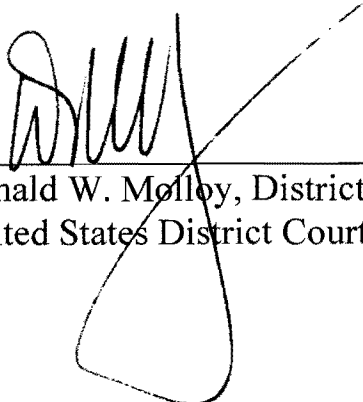
Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000). After a review of Judge Strong’s Findings and Recommendation, I find no clear error. Accordingly,

IT IS HEREBY ORDERED that Judge Strong’s Findings and Recommendation (dkt #4) are adopted in full. Sullivan’s Motion to Proceed in Forma Pauperis (dkt #1) is DENIED pursuant to 28 U.S.C. § 1915(g).

IT IS FURTHER ORDERED that no motions for reconsideration or rehearing will be entertained and the Clerk of Court is directed to discard any such motions.

The Clerk of Court is directed to terminate all pending motions and close the case.

Dated this 29th day of August, 2011.



Donald W. Molloy, District Judge
United States District Court